

September 4, 2014

**By ECF**

Honorable Naomi Reice Buchwald  
United States District Judge  
United States Courthouse  
500 Pearl St.  
New York, NY 10007-1321

Re: U.S. Bank National Association v. Commonwealth Land Title Ins. Co., Civ. No. 13 CIV 7626

Dear Judge Buchwald:

I am writing to ask the court for a brief extension of the deadline to complete discovery in order to allow me the opportunity to take two depositions that were duly noticed but that I was unable to schedule before the close of discovery on August 29, 2014. I respectfully request the opportunity to take the depositions of Fay Farkas, the former principal of Sky Abstract, LLC, and Sarah Gluckman, Sky Abstract's agent who attended the closing of the loan at issue in this case.

Ms. Farkas's deposition was originally noticed by Commonwealth's counsel, David Fiveson, pursuant to a subpoena dated February 20, 2014. Her deposition was rescheduled for July 16, 2014, and I flew into New York to attend that deposition. The evening before her deposition, Ms. Farkas's counsel sent an email to Mr. Fiveson informing him that Ms. Farkas would not be appearing for her deposition because she was unavailable. Mr. Fiveson told me that he intended to reschedule the deposition.


In mid-August, I learned that Mr. Fiveson informed me that he did not intend to reschedule Ms. Farkas's deposition. Therefore, on August 19, 2014 (after repeated attempts to serve Ms. Farkas from August 11-August 13, 2014), I caused a subpoena to be served on Ms. Farkas compelling her testimony on August 20, 2014. Ms. Farkas did not appear for her deposition on August 20<sup>th</sup>, and it is my understanding that she may have been out of the state.

On August 15, 2014, Mr. Fiveson took the deposition of Norman Tepfer, the notary who attended the closing. Mr. Tepfer testified that a woman by the name of Sarah Gluckman attended the closing as agent for Sky Abstract, LLC. This information made it important that I depose Ms. Gluckman. On August 26, 2014, Ms. Gluckman was served with a subpoena for a deposition on August 29, 2014. Ms. Gluckman informed us that she was not available on the 29<sup>th</sup>, and therefore, we agreed to postpone her deposition to a later date.

These two depositions are critical to develop an understanding of Sky Abstract's role in procuring a forged mortgage. Documents produced by the parties reveal Sky Abstract's complicity in the fraud, but it will be difficult to lay appropriate foundation for these documents without the testimony of Sky Abstract personnel.

I respectfully request an extension of the deadline to complete discovery, until October 15, 2014, for the limited purpose of completing the depositions of Fay Farkas and Sarah Gluckman.

Respectfully submitted,



Rob Shainess  
*Attorney at Law*  
rob@capstonelaw.com

cc: David Fiveson, Esq. (By ECF)  
Evangelos Michailidis, Esq. (By Email)  
William Yunker (by Email)